

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.

05 DEC -8 PM 4:04

UNITED STATES OF AMERICA
Plaintiff,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

VS.

CR. NO. 04-20289-B

BARRY FERGUSON,
Defendant.

ORDER DENYING MOTION TO SUPPRESS,
ORDER ON CONTINUANCE AND SPECIFYING PERIOD OF EXCLUDABLE DELAY
AND SETTING

This cause came on for a Hearing on the Motion to Suppress on December 8, 2005. After considering the testimony of witnesses, the evidence submitted, and statements of counsel, the court denied the motion to suppress, incorporating its factual findings and conclusions of law issued orally. At that time, counsel for the defendant requested a continuance of the trial date to allow for further preparation in the case.

The Court hereby sets the trial date for the Criminal Rotation Docket beginning Monday, February 6, 2006, and sets a Report Date of Monday, January 30, 2006 at 9:30 a.m. in Courtroom #1 on the 11th floor of the Federal Building, Memphis, Tennessee.

The period from December 16, 2005 through February 17, 2006 is excludable under 18 U.S.C. § 3161(h)(8)(B)(iv) because the ends of justice served in allowing for additional time to prepare outweigh the need for a speedy trial.

IT IS SO ORDERED this 8 day of December, 2005.

[Signature]
J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 12-12-05

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Honorable J. Breen
US DISTRICT COURT